

FILED MAR 12 1981

Waldrop

BY Mike Martin

H.B. No. 1901-18

A BILL TO BE ENTITLED

AN ACT

to require balanced treatment of creation-science and evolution-science in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Purpose. This act is enacted for the purposes of protecting academic freedom for students' differing values and beliefs; ensuring neutrality toward students' diverse religious convictions; ensuring freedom of religious exercise for students and their parents; guaranteeing freedom of belief and speech for students; preventing establishment of theistic or nontheistic religions; preventing discrimination against students on the basis of their personal beliefs concerning creation and evolution; and assisting students in their search for truth. This Act does not have the purpose of causing instruction in religious concepts nor making an establishment of religion.

SECTION 2. Findings. The Legislature finds that:

1. the subject of the origin of the universe, earth, life, and man is treated within many public school courses, including biology, life science, anthropology, sociology, physics, chemistry, world history, philosophy, and social studies;

2. only evolution-science is presented to students in virtually all of those courses that discuss the subject of origins, while public schools generally censor creation-science and evidence contrary to evolution;

3. evolution-science is not an unquestionable fact of science, because evolution cannot be experimentally observed, fully verified, or logically falsified, and because evolution-science is not accepted by some scientists;

1           4. evolution-science is contrary to the religious con-  
2 victions or moral values or philosophical beliefs of many students  
3 and parents, including individuals of many different religious  
4 faiths and with diverse moral values and philosophical beliefs;

5           5. public school presentation of only evolution-science  
6 without any alternative model of origins abridges the United States  
7 Constitution's protections of freedom of religious exercise and of  
8 freedom of belief and speech for students and parents, because it  
9 undermines their religious convictions and moral or philosophical  
10 values, compels their unconscionable professions of belief, and  
11 hinders religious training and moral training and philosophy  
12 training by parents;

13           6. public school presentation of only evolution-science  
14 furthermore abridges the Constitution's prohibition against establish-  
15 ment of religion, because it produces hostility toward many Theistic  
16 religions and brings preference to Theological Liberalism, Humanism,  
17 Nontheistic religions, and Atheism, in that these religious faiths  
18 generally include a religious belief in evolution;

19           7. public school instruction in only evolution-science also  
20 violates the principle of academic freedom, because it denies students  
21 a choice between scientific models and instead indoctrinates them  
22 in evolution-science alone;

23           8. presentation of only one model rather than alter-  
24 native scientific models of origins is not required by any compelling  
25 interest of the state, and exemption of students from a course or  
26 class presenting only evolution-science does not provide an adequate  
27 remedy because of teacher influence and student pressure to remain  
28 in that course or class;

29           9. attendance of those students who are at public schools  
30 is compelled by law, and school taxes from their parents and other cit-  
31 izens are mandated by law;

32           10. creation-science is an alternative scientific model of  
33 origins and can be presented from a strictly scientific standpoint  
34 without any religious doctrine just as evolution-science can, because  
35 there are scientists who conclude that scientific data best support  
36 creation-science and because scientific evidences and inferences have  
37 been presented for creation-science;

38           11. public school presentation of both evolution-science

1 and creation-science would not violate the constitutional prohibition  
2 against establishment of religion because it would involve presentation  
3 of the scientific evidences and related inferences for each model  
4 rather than any religious instruction; and

5 12. most citizens, whatever their religious beliefs about  
6 origins, favor balanced treatment in public schools of alternative  
7 scientific models of origins for better guiding students in their  
8 search for knowledge, and they favor a neutral approach toward  
9 subjects affecting the religious, moral, and philosophical convic-  
10 tions of students.

11 SECTION 3. Subchapter D, Chapter 21, Texas Education Code,  
12 as amended, is amended by adding Section 21.122 to read as follows:

13 Sec. 21.122. BALANCED TREATMENT OF EVOLUTION-SCIENCE AND  
14 CREATION-SCIENCE.

15 (a) To the extent that instruction, textbooks, library materials,  
16 or educational programs in public schools treat the subject of the  
17 origin of man, life, earth, and the universe, the instruction,  
18 textbooks, library materials, and educational programs:

19 (1) shall give balanced treatment and be limited to  
20 both creation-science and evolution-science; and

21 (2) may not include religious instruction or reference  
22 to religious writings.

23 (b) This section does not:

24 (1) require instruction in the subject of the origin  
25 of man, life, earth, and the universe; or

26 (2) require each individual textbook, or library book  
27 lecture to give balanced treatment of creation-science and evolution-  
28 science.

29 (c) A public school employee may not publicly criticize or  
30 reduce the grade of a student who demonstrates satisfactory under-  
31 standing of both creation-science and evolution-science and who  
32 accepts or rejects either in whole or in part.

33 (d) For purposes of this Act, creation-science includes  
34 scientific evidence, and rational inferences from that evidence,  
35 showing:

36 (1) sudden creation of the universe, energy, and life;

37 (2) insufficiency of mutation and natural selection in  
38 bringing about development of all living things from a single  
39 organism;

ence is contrary to  
(3) changes only within fixed limits of created kinds of  
plants and animals;  
(4) separate ancestry for man and apes;  
(5) explanation of the earth's geology by catastrophism;  
and  
(6) relatively recent inception of earth and living things.  
(e) For purposes of this Act, evolution-science includes  
scientific evidence, and rational inferences from that evidence,  
showing:  
(1) emergence by naturalistic processes of the  
universe from disordered matter and emergence of life from nonlife;  
(2) sufficiency of mutation and natural selection in  
bringing about development of present living things from simple  
earlier living things;  
(3) emergence by mutation and natural selection of  
present living things from earlier living things;  
(4) emergence of man from a common ancestor with apes;  
(5) explanation of the earth's geology and  
evolutionary sequence by uniformitarianism; and  
(6) inception of the earth several billion years ago  
and the inception of life at a later time.

SECTION 4. This Act takes effect beginning with the  
1981-1982 school year.

SECTION 5. The importance of this legislation and the  
crowded condition of the calendars in both houses create an  
emergency and an imperative public necessity that the  
constitutional rule requiring bills to be read on three several  
days in each house be suspended, and this rule is hereby suspended,  
and that this Act take effect and be in force according to its  
terms, and it is so enacted.

H. B. No. 1901-18

By Mike Martin

A BILL TO BE ENTITLED  
AN ACT

to require balanced treatment of creation-science and evolution-  
science in public schools.

**MAR 12 1981**

1. Filed with the Chief Clerk.

**MAR 17 1981**

2. Read first time and Referred to Committee on

Public Education

3. Reported favorably (as amended)  
(as substituted) and sent to Printer at \_\_\_\_\_

4. Printed and distributed at \_\_\_\_\_

5. Sent to Committee on Calendars at \_\_\_\_\_

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote)  
(Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_  
present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered  
engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed  
to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_  
present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote  
of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed  
prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_  
nays, and \_\_\_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_\_\_

13. Engrossed.

14. Returned to Chief Clerk at \_\_\_\_\_

15. Sent to Senate.

\_\_\_\_\_  
Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on \_\_\_\_\_

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read  
first time.

20. Ordered not printed.

21. Regular order of business suspended by  
(a viva voce vote.)  
(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION: OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)  
(Substitute) by a (Non-Record  
Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_